

REMARKS

In the Office Action, claims 22-64 are pending of which claims 1-21 have been withdrawn from consideration. Claims 22-24, 27-30, 32, 41-44 and 51-54 have been rejected. The Abstract was objected.

In this response, claims 28-29, 32, 36-40, 46, and 49-64 been canceled without prejudice. Claims 22-27, 30-31, 33-35, 41-42, 44-45, and 47-48 have been amended to particularly point out and distinctly claim, in full, clear, concise, and exact terms, the subject matter which Applicant regards as his invention. The support of the amendments can be found throughout the present application, such as, for example, Fig. 5 of the present application. In addition, a new Abstract has been provided in a separate sheet as required by the Office Action. No new matter has been added.

CLAIM OBJECTIONS

Claims 25, 26, 31, 33-40, 45-50 and 55-64 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. In view of the foregoing amendments, it is respectfully submitted that the objections have been overcome.

REJECTIONS UNDER 35 U.S.C. § 112

The Examiner has rejected claims 22-24, 27-30, 32, 41-44 and 51-54 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. In view of the foregoing amendments, it is respectfully submitted that the rejections have been overcome.

REJECTIONS UNDER 35 U.S.C. § 102

Claims 22, 23, 27, 41, 43 and 51 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,138,395 to O'Dwyer, et al. ("O'Dwyer"). Claims 22, 23, 27, 28, 30, 41-43, 52, 51 and 54 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,099,993 to Tauschek, et al. ("Tauschek").

In view of the foregoing amendments, it is respectfully submitted that the present invention as claimed includes limitations that are not disclosed by O'Dwyer or Tauschek. Specifically, for example, independent claim 22 as amended recites as follows:

22. A projectile arrangement including at least two projectiles coupled together by a frangible coupling to form a chain, wherein each projectile has a head portion, a tail portion and a respective propellant charge, and wherein the frangible coupling includes a first retaining means disposed on the tail portion of the leading projectile engaged by a screw action with a second retaining means disposed on the head portion of the trailing projectile.

(Emphasis added)

Independent claim 22 includes a frangible coupling having separate retaining means, one disposed on a head portion of a trailing projectile and the other one disposed on a tail portion of a leading projectile by a screw action, as shown, for example, in Fig. 5 of the present application. That is, these retaining means are separate retaining means of separate projectiles that are screwed together. The coupling itself is also frangible, which is broken when the projectiles are fired. It is respectfully submitted that these limitations are absent from the cited references.

With respect to O'Dwyer, it is respectfully submitted that O'Dwyer fails to disclose individual or separate retaining means as required by claim 22. In addition, the wire 54 of O'Dwyer is not the same as the frangible coupling as discussed above, such as, for example, via a screw action.

With respect to Tauschek, Tauschek also fails to disclose the limitations set forth above. For example, the projectiles of Tauschek are engaged by a snap action which is not "frangible" per

se. That is, nothing is broken off when the projectiles are fired in Tauschek.

In order to anticipate a claim, each limitation of the claim must be taught by the cited reference. In view of the foregoing remarks, it is respectfully submitted that none of O'Dwyer and Tauschek, individually or in combination discloses or suggests the limitations set forth above. Therefore, for reasons set forth above, it is respectfully submitted that claim 22 as amended is not anticipated by O'Dwyer or Tauschek.

Similarly, independent claim 41 includes limitations similar to those recited in claim 22. Thus, for reasons similar to those discussed above, it is respectfully submitted that claim 41 is not anticipated by O'Dwyer or Tauschek. Given the rest of the claims depend from one of the above independent claims, it is respectfully submitted that the rest of the claims are also not anticipated by O'Dwyer or Tauschek.

REJECTIONS UNDER 35 U.S.C. § 103

The Examiner has rejected claim 24 under 35 U.S.C. §103(a) as being unpatentable over O'Dwyer, in view of U.S. Patent No. 3,412,681 to Schirneker, et al. ("Schirneker"). Claims 24 and 32 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Tauschek, in view of Schirneker.

It is respectfully submitted that Schirneker also fails to disclose or suggest the limitations set forth above. For example, the projectiles of Schirneker are simply glued together without individual or separate retaining means. Further, the projectiles of Schirneker do not have "respective" propellant charges as required by the present invention as claimed. Rather, the projectiles of Schirneker are fired together in a single shot. Therefore, it is respectfully submitted that the present invention as claimed is patentable over the cited references. Withdrawal of the rejections is respectfully requested.

CONCLUSION

In view of the foregoing, Applicant respectfully submits the present application is now in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned attorney at (408) 720-8300.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

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